

REMARKS

This is in response to the Office Action that was mailed on October 24, 2002. Independent claims 1 and 2 are amended to incorporate the recitation of original claim 5. Dependent claim 5 is amended based upon disclosure in the paragraph bridging pages 6-7 of the specification. Minor formal amendments are made to claims 3-5. No new matter is introduced by this Amendment, and no new issues are raised thereby, since it in effect replaces claims 1 and 2 with finally rejected claim 5. Accordingly, entry of this Amendment in order to place the application into condition for allowance, or into better condition for appeal, is proper and is respectfully solicited. Claims 1-6 are in the application.

Claims 1-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over US 4,956,423 (Lee). The rejection is respectfully traversed.

The Examiner acknowledges that the Lee reference fails to mention glycol or its derivatives. The Examiner speculates, however, that a polyetheramide might contain "some amount of glycol in it as an unreacted material". Applicants respectfully urge that this speculative opinion does not provide statutory basis for a proper *prima facie* obviousness rejection. Nevertheless, Applicants have amended the claims to recite precise relative amounts of glycol in the claimed compositions. Lee fails to teach or suggest compositions that

contain from 0.1 to 10 parts by weight, relative to 100 parts by weight of an elastomer, of a glycol or its derivative.

An object of the resin composition of the present invention, which is designed to be used in the manufacture of molded articles, is to substantially improve impact resistance at low temperatures, while at the same time maintaining good tensile properties, flexural properties, and heat resistance properties. In contrast, the object of the cited reference is to provide a hot melt adhesive having a high adhesive strength and good oil resistance. The present invention and the technology described in the Lee reference are completely different from one another in object and use. Furthermore, the cited reference fails to teach or suggest the significance and effect of containing a specific amount of glycol or its derivatives. Clearly, the present invention is not obvious from Lee.

The Lee reference fails to establish a *prima facie* case of obviousness with respect to the present invention. It goes without saying that Lee fails to disclose or suggest the superior effects that are provided by the present invention. These effects are demonstrated by the experimental procedures and results detailed on pages 10-12 of the specification.

The rejection over the Lee patent should be withdrawn, and the present application should be passed to Issue.

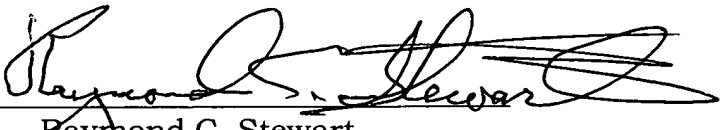
Conclusion

If the Examiner has any questions concerning this application, he is requested to contact Richard Gallagher, Reg. No. 28,781, at (703) 205-8008.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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RCS/RG *RG*

Attachment: Version with Markings to Show Changes Made

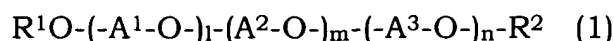
Marked up version showing changes made:

1. (twice amended) A resin composition comprising a polyamide-based thermoplastic elastomer and from 0.1 to 10 parts by weight, relative to 100 parts by weight of the elastomer, of a glycol or its derivative.

2. (twice amended) A resin composition comprising a polyether amide block copolymer as a thermoplastic elastomer and from 0.1 to 10 parts by weight, relative to 100 parts by weight of the elastomer, of a glycol or its derivative.

3. (amended) The [A] resin composition according to claim 1, wherein [the soft segment of] said thermoplastic elastomer [is] has a soft segment composed of a polyether or polyester.

4. (twice amended) The [A] resin composition according to claim 1 or 2, wherein said glycol or its derivative is a compound represented by the following Formula (1):



wherein each of R^1 and R^2 is, identical to or different from each other, a hydrogen atom, an alkyl group, or an acyl group; each of A^1 , A^2 and A^3 is,

identical to or different from one another, an alkylene group having 2 or more carbon atoms; each of l, m and n is, identical to or different from one another, an integer of 0 or more, where $l+m+n>0$.

5. (twice amended) The [A] resin composition according to claim 1 or 2, wherein the amount of the glycol or its derivative is from about 0.5 to 6 [0.1 to 10] parts by weight relative to 100 parts by weight of the thermoplastic elastomer.

6. (*unamended*) A molded article composed of a resin composition according to claim 1 or 2.